

1 TEAGUE P. PATERSON, SBN 226659  
2 BEESON, TAYER & BODINE, APC  
3 1404 Franklin Street, 5<sup>th</sup> Floor  
4 Oakland, CA 94612  
Telephone: (510) 625-9700  
Facsimile: (510) 625-8275  
Email: tpaterson@beesontayer.com

6 Attorneys for Plaintiff  
TRI-COUNTIES WELFARE TRUST FUND

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
AT SAN JOSE**

11 TRI-COUNTIES WELFARE TRUST FUND,  
12 Plaintiff  
13 v.  
14 KELVIN HILDEBRAND, INC.,  
15 HILDEBRAND & SONS TRUCKING, INC.,  
16 WEST COAST DRAYAGE, HILDEBRAND  
BROTHERS TRUCKING, MORYA GULART  
TRUCKING, d/b/a MG TRUCKING, and  
KELVIN HILDEBRAND

Case No. CV-07-5941 JW

**DECLARATION OF TEAGUE P.  
PATERSON IN SUPPORT OF  
PLAINTIFF'S REQUEST FOR ENTRY  
OF DEFAULT BY CLERK**

Defendant.

I, TEAGUE P. PATERSON, declare as follows:

20        1. I am an attorney in the law firm of Beeson, Tayer & Bodine, attorneys of record for  
21 the Plaintiff in the above-captioned action.

22       2. On or about December 4, 2007, the Summons, Complaint, and accompanying court  
23 documents were served on Defendant Hildebrand & Sons Trucking, Inc. by substituted service by  
24 leaving copies of the documents at the Defendant's place of business with Morya Gularte, Office  
25 Manager, a person apparently in charge, and over 18 years of age, who was informed of the contents  
26 therein. On or about December 4, 2007, copies of the same documents were mailed, by first class

1 mail, to the same address where the copies were left. A true and correct copy of the Proof of Service  
2 is attached as Exhibit "A".

3 3. More than twenty (20) days have elapsed since service was deemed complete upon  
4 Defendant.

5 4. Defendant has failed to Answer or otherwise plead in response to Plaintiff's  
6 Complaint or to serve a copy of an Answer or pleading upon Plaintiff or me.

7 5. This Declaration is executed in accordance with Rule 55(a) of the Federal Rules of  
8 Civil Procedure for the purpose of enabling Plaintiff to obtain an entry of default against Defendant  
9 Hildebrand & Sons Trucking, Inc., for Defendant's failure to Answer or otherwise defend as to  
10 Plaintiff's Complaint.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing  
12 is true and correct and of my knowledge, except as to those matters stated herein on information and  
13 belief, and as to those matters I believe them to be true. Executed this 9<sup>th</sup> day of April, 2008 in  
14 Oakland, California.

15  
16  
17 \_\_\_\_\_  
18 /s/Teague P. Paterson  
19 TEAGUE P. PATERSON  
20  
21  
22  
23  
24  
25  
26  
27  
28

## **PROOF OF SERVICE**

**U.S. DISTRICT COURT CASE NO. CV-07-5941 JW**

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is 1404 Franklin Street, 5<sup>th</sup> Floor, Oakland, California 94612. On this day, I served the foregoing Document(s):

**DECLARATION OF TEAGUE P. PATERSON IN SUPPORT OF  
PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT BY CLERK**

By Mail to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Oakland, California:

Kelvin Hildebrand, President  
**KELVIN HILDEBRAND, INC.**  
6 Lewis Road  
Watsonville, CA 95076

Dorothea M. Hildebrand, President  
HILDEBRAND & SONS TRUCKING, INC.  
6 Lewis Road  
Watsonville, CA 95076

Kathleen Espinoza, Office Manager  
**HILDEBRAND BROTHERS**  
**TRUCKING**  
635 San Juan Pass Road  
Corralitos, CA 95076

KELVIN HILDEBRAND  
6 Lewis Road  
Watsonville, CA 95076

Diane Hildebrand, Owner  
WEST COAST DRAYAGE  
P.O. Box 400  
Watsonville, CA 95077

By Personal Delivering a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

By Overnight Delivery to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

By Facsimile Transmission to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

I declare that the foregoing is true and correct. Executed in Oakland, California, on this date, April 9, 2008.

/s/Tanya Gatt